



Patent Application No. 10/809,965  
Attorney Docket No. 89212.0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dave S.B. HOON and Bret TABACK

Serial No: 10/809,965

Filed: March 25, 2004

For: DNA MARKERS FOR MANAGEMENT  
OF CANCER

Art Unit: 1634

Examiner: Unassigned

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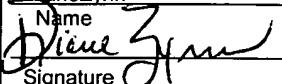
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**TRANSMITTAL OF**  
**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

1.  The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2.  The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

**§1.97(e) STATEMENT**

I, the person signing below, state:

- that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification

after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

**OR FEE**

- Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3.  The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

**§1.97(e) STATEMENT**

I, the person signing below, state:

- that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

**OR**

- that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

**AND FEE**

- Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4.  If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A **copy of this petition is enclosed**.
5.  A list of 3 reference(s) is in the enclosed Form PTO-1449.

**NON-ENGLISH LANGUAGE REFERENCES**

- Enclosed is an International Search Report dated February 10, 2005 for a counterpart application, which is accompanied by a copy of each prior art document cited in this report.
- The specification incorporates comments on the relevancy of Non-English language references.
- Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

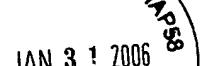
Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: January 27, 2006

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<b>FORM PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	<b>Docket Number (Optional)</b> 89212.0016	<b>Application Number</b> 10/809,965
	<b>Applicant</b> Hoon et al.	
	<b>Filing Date</b> March 25, 2004	<b>Group Art Unit</b> 1634

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	FUJIWARA et al. Plasma DNA microsatellites as tumor-specific markers and indicators of tumor progression in melanoma patients, Cancer Research, Vol. 59, pp. 1567-1571, 1999
	ANKER et al., Detection of circulating tumour DNA in the blood (plasma/serum) of cancer patients, Cancer and Metastasis Reviews, Vol. 18, pp. 65-73, 1999

EXAMINER	DATE CONSIDERED
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